

**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying:
Family Court, At Large, Seat 4

1. NAME: Mrs. Kimaka Nichols-Graham
BUSINESS ADDRESS: 701 South Main Street
Greenville, SC 29601
TELEPHONE NUMBER: (office): 864-679-3259
2. Date and Place of Birth: 1972; Marion, SC
3. Are you a citizen of SC? Yes.
Have you been a resident of this state for at least the immediate past five years? Yes.
5. Family Status: Married on July 6, 2002, to Hakim Rahman Graham. Never divorced; one child.
6. Have you served in the military? No.
7. List each college and law school you attended, including the dates of your attendance, the degrees you received, and if you left an institution without receiving a degree, the reason for your departure.
 - (a) Winthrop University, August 1990-May 1994
BA in Political Science;
 - (b) Rutgers University. August 1994-May 1995
Master of Science in Public Policy;
 - (c) USC School of Law. August 1995-May 1998. JD.
8. List the states in which you have been admitted to practice law and the year of each admission. Also list any states in which you took the bar exam but were never admitted to the practice of law. If you took the bar exam more than once in any of the states listed, please indicate the number of times you took the exam in each state.

SC, 1998.
9. List the significant activities in which you took part during your attendance at college, graduate, and law school. Give the dates you were involved in these activities and list any leadership positions you held.

Winthrop University:

 - (a) Pi Sigma Alpha, National Political Science Honor Society (Chapter President 1993-1994);
 - (b) Phi Kappa Phi, National Collegiate Honor Society;
 - (c) Alpha Kappa Delta, International Sociology Honor Society;
 - (d) Delta Sigma Theta, International Public Service Sorority (Secretary and
 - (e) Founder's Week Chairperson, April 1992-May 1994);
 - (f) National American Political Science Association's Ralph Bunche Summer Institute in Atlanta, Georgia, Summer 1993;



- (g) Tri-County Sister Help, Local Battered Women's Shelter, Legal Advocate, 1992-93.

Rutgers University:

- (a) The Eagleton Institute of Politics. Full Fellowship (August 1994-May 1995);
- (b) Ronald E. McNair Post Baccalaureate Program, Graduate Counselor (September 1994-May 1995).

University of SC, School of Law:

- (a) Student-Faculty Task Force. (Career Services and Registration Committees) 1996-97;
- (b) Civil Procedure Tutor for Academic Peer Assistant Program, Spring 1997 and 1998;
- (c) Black Law Student Association (Banquet and Elections Committees, Social/Mentoring Committee Chairperson, 1997-98);
- (d) Phi Delta Phi, Student Bar Association, Women in Law (1995-98);
- (e) Law Clerk for the Law Office of Hemphill P. Pride, II (Summer 1996 and Fall 1996);
- (f) Law Clerk for the SC Department of Education, Office of General Counsel (Spring 1997);
- (g) Law Clerk for the Richland County Volunteer Guardian ad Litem Project (Summer of 1997 and Fall of 1997);
- (h) Law Intern/Clerk for the SC Association of School Administrators (Spring 1998).

10. Describe your continuing legal or judicial education during the past five years.

<u>Conference/CLE Name</u>	<u>Date(s)</u>
(a) Connecting Students with Tools for School	3/9/2012;
(b) Managing Ethical Issues for Day to Day Practice	12/6/2011;
(c) SC Legal Services Statewide Meeting	11/8/2011;
(d) SC Black Lawyers Association Annual Retreat	10/4/2011;
(e) Children Coping with Divorce Trans-parenting for Professionals	9/30/2011;
(f) Judicial Ethics for Lawyers	8/17/2011;
(g) 2011 Due Process Hearing Officer Training	6/20/2011;
(h) Spring Special Education Administrators Training and Hearing Officer Update	3/23/2011;
(i) SC Black Lawyers Association Annual Retreat	10/01/2010;
(j) SC Legal Services Annual Conference	11/18/2010;
(k) Education Law Association Conference and Training	10/21/2009;
(l) 2009 Children's Law Center Conference	11/6/2009;
(m) Education Law Training	12/4/2009;
(n) SC Legal Services Statewide Conference	11/11/2009;
(o) Lexis Nexis Training	11/12/2009;
(p) 2007 Disproportionate Minority Contract Training CLO	9/28/2007;
(q) Education & Society: Accountability ELA Conference	11/15/2007;

- (r) SC Legal Services Statewide Meeting 12/11/2007;
 - (s) SC Bar Convention 1/25/2007.
11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs?
- (a) I presented a session on representing low income students and parents in school law to legal services agencies for SC Appleseed Legal Justice Center on October 11, 2001.
 - (b) I presented a session on representing low income families in school law at the South Eastern Project Directors Association for directors of legal service agencies on July 15, 2002.
 - (c) I presented a session on monitoring re-segregation and protecting the poor for legal service lawyers at the National Legal Aid and Public Defender Substantive Law Conference on July 25, 2002.
 - (d) I presented a session on the overview of a school law practice to legal services and pro bono attorneys for SC Appleseed Legal Justice Center on August 12, 2004.
 - (e) I presented a session on DSS Court Appointments and Defense Pointers to lawyers at the SC Black Lawyers Association Retreat on October 22, 2004.
 - (f) I presented a session on parent rights in school discipline procedures to legal services and pro bono attorneys for SC Appleseed Legal Justice Center on February 24, 2006.
 - (g) I presented a session on school discipline and special education discipline to lawyers in the Nelson Mullins Riley & Scarborough Education Pro Bono Project Training on August 10, 2006.
 - (h) I presented a session on students still having due process rights to school administrators, professors, and attorneys at the Education Law Association's Annual Conference on October 22, 2009.
 - (i) I have presented several sessions to attorneys and staff on education law at SC Legal Services' Statewide Meetings and in house education task force meetings.
 - (j) I presented a session on working with students experiencing bullying to attorneys at the SC Appleseed Legal Justice Center's Education Law Training on March 9, 2012.
12. List all published books and articles you have written and give citations and the dates of publication for each. Not Applicable.
13. List all courts in which you have been admitted to practice and list the dates of your admission. Give the same information for administrative bodies that require a special admission to practice.
- (a) Admitted to practice before the State Courts of SC on November 16, 1998;
 - (b) Admitted to practice in The United States District Court of SC on January 2, 2003;

- (c) Also admitted to practice before the United States Bankruptcy Court, District of SC.
14. Describe chronologically your legal experience since graduation from law school and include a list of all law firms with which you have been associated. Describe the general character of your practice and divide it into periods with dates if its character has changed over the years.
- (a) Legal Services Agency of Western Carolina, Inc., Greenville, SC.
Staff Attorney. Provided general law practice and community education in housing, probate, and family law cases. November 1998 to September 1999.
- (b) Children's Law Attorney. Practiced law for low income children by focusing primarily on adoptions, children's social security cases, special education advocacy, and school discipline cases. September 1999 until December 31, 2001.
- (c) SC Legal Services. Greenville, SC.
Staff Attorney II. Practices law in cases in Greenville County that includes divorce, custody, school discipline, special education, special needs relative adoptions, bankruptcy, credit card defense, and children social security appeals. Appears in Magistrate's Court, Family Court, the Court of Common Pleas, and the U. S. Bankruptcy Court in various cases. January 1, 2002 to present.
- (d) Education Unit Head. Leads the education unit, secures local funding, trains attorneys across the state on how to represent students in the public education system, teaches parents how to advocate for children, and operates the Greenville County United Way's Securing Public School Opportunities Program. Practices law in education cases in Greenville County and has practiced education law in Anderson, Spartanburg, Pickens, Oconee, Orangeburg, Horry, Richland, Charleston, Greenwood, York, and Clarendon counties in cases before hearing officers, School Boards, the Court of Common Pleas, and the SC Court of Appeals. March 2003 to present.
- (e) Acting Managing Attorney. Supervised six attorneys, two paralegals, and three support staff. Assigned cases, supervised legal work, handled personnel issues, and participated on management team while the Managing Attorney was on extended leave. September 24, 2007 through December 31, 2007.
- (f) Acting Managing Attorney. Supervised five full time attorneys, three contract attorneys, one volunteer attorney, three support staff employees, and a satellite office. Reviewed emergency intakes, assigned cases, supervised legal work, handled personnel issues, and provided other managerial duties while the Managing Attorney was on extended leave. August 26, 2009 through November 24, 2009.
- 14.(a) If you are a candidate for Family Court, please provide a brief written description of your experience within each of the following Family Court

practice areas: divorce and equitable division of property, child custody, adoption, abuse and neglect, and juvenile justice. Include information about cases you have handled in each of these practice areas, or if you have not practiced in an area, describe how your background has prepared you to preside over such matters as a Family Court Judge.

I have experience in handling divorces (physical cruelty, one year separation, and adultery defense), although my experience is primarily with physical cruelty divorces because of the legal services case acceptance policy. I have significant experience in handling custody and adoption cases. My custody cases involve disputes involving biological parents and non biological parents but usually when there is an allegation of abuse and DSS is not involved or custody is needed to secure some benefit on behalf of the child. My experience with adoption cases is primarily with relative special needs adoptions. I have experience representing defendants in abuse and neglect cases but lately due to limited resources we refer many of those cases to court appointed attorneys unless we are already representing a party in a divorce or custody case. I do not have significant experience handling juvenile justice cases but I believe the vast amount of work that I do for students in school discipline cases has more than prepared me to learn what I do not know in that area.

15. What is your rating, if any, by any legal rating organization, such as, Best Lawyers, Chambers, Legal 500, Martindale-Hubbell, Who's Who Legal, Super Lawyers, etc.? If you are currently a member of the judiciary, list your last available rating, if any. None. Not Applicable.
16. What was the frequency of your court appearances during the last five years?
 - (a) federal: 5%;
 - (b) state: 95%.
17. What percentage of your practice involved civil, criminal, domestic, and other matters during the last five years?
 - (a) civil: 20%;
 - (b) criminal: 0%;
 - (c) domestic: 80%;
 - (d) other: 0%.
18. What percentage of your practice in trial court during the last five years involved matters that went to a jury, including those that settled prior to trial?
 - (a) jury: 0%;
 - (b) non-jury: 100%.Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters? Sole Counsel
19. List five of the most significant litigated matters you have personally handled in either trial or appellate court or before a state or federal agency. Give citations if the cases were reported and describe why these matters were significant.

- (a) Jane Doe, A High School Student in Richland County School District Two and her Parent, Mary Doe, vs. Richland County School District Two. Case
Number: 2006-CP-40-6545. This case was significant to me because I represented a student that was expelled from school and accused of committing sexual offenses without evidence. The parent unsuccessfully appealed to the board after simply stating persuasive legal grounds but they needed legal services to appeal to the court system. We prevailed in circuit court but the school district appealed the decision to the court of appeals. This case is evidence that things do not always work themselves out and there are times that the indigent need civil legal services to secure basic opportunities.
- (b) Martha Sue Payne vs. Mary and Ray Patterson, William Scott McFadden.
Case Number 2005-DR-23-3223. This case was significant because I successfully defended a change of custody action among relatives for children that were previously abused and neglected. The court granted my motion an involuntary dismissal at the conclusion of the Plaintiff's case.
- (c) Martha Sue Payne vs. Mary Patterson. Case Number: 2006-DR-23-4112.
This case is significant to me because I was unsuccessful in appealing a visitation contempt case.
- (d) Linda Elliott vs. Melinda Elliott and Geroge Sijon. Case Number:1999-DR-23-5640. This case was significant to me because I successfully defended a biological mother with very little means in a custody case against the maternal grandmother had great resources and the Guardian ad Litem's recommendation.
- (e) Darla Yates vs. Eddie Crooks. Case Number: 2005-DR-39-418. This case was significant to me because I represented my client in the visitation Rule to Show Cause this year. There was an allegation of a history of abuse in a prior case that prevented my client from being able to represent herself.
20. List up to five civil appeals you have personally handled. Give the case name, the court, the date of decision, and the citation if the case was reported.
- (a) Jane Doe, A High School Student in Richland County School District Two and her Parent, Mary Doe, vs. Richland County School District Two. Decided March 25, 2009. 382 S.C. 656; 677 S.E.2d 610.
- (b) Unpublished Opinion. Martha Sue Payne vs. Mary Patterson. Decided April 26, 2010.
21. List up to five criminal appeals that you have personally handled.
None. Not Applicable.
22. Have you ever held judicial office? No. I have not held judicial office.

23. If the answer to question 22 is yes, describe or list five of your most significant orders or opinions and give the citations if they were reported.

Not Applicable.

24. Have you ever held public office other than judicial office?

No. I have not held public office.

25. List all employment you had while serving as a judge (whether full-time or part-time, contractual or at will, consulting or otherwise) other than elected judicial office. Not Applicable.

26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? No.

27. Have you ever been engaged in any occupation, business, or profession other than the practice of law, teaching of law, or holding judicial or other public office?

I worked as a front desk clerk at the Embassy Suites in Greenville, SC. The time period was approximately February 1999 until November or December of 1999.

I also taught a LSAT preparation courses at Clemson University for Kaplan Test Preparation from 2000 to 2001.

28. Are you now an officer or director or involved in the management of any business enterprise? No.

29. A complete, current financial net worth statement was provided to the Commission.

30. Describe any financial arrangements or business relationships you have, or have had in the past, that could constitute or result in a possible conflict of interest in the position you seek.

I am not aware of any financial arrangements or business relationships that could result in a possible conflict of interest.

31. Have you ever been arrested, charged, or held by federal, state, or other law enforcement authorities for violation or for suspicion of violation of any federal law or regulation, state law or regulation, or county or municipal law, regulation, or ordinance, or any other law, including another country's law?

No.

32. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? No.

33. Has a tax lien or other collection procedure ever been instituted against you by federal, state, or local authorities? Have you ever defaulted on a student loan? Have you ever filed for bankruptcy?

I have not had a tax lien or other collection procedure by federal, state or local authorities. Over ten years ago, at the beginning of my career at legal services, I defaulted on a small student loan before my loans were consolidated. I secured additional employment. The loan was reinstated and years later it was consolidated with other student loans. I have never filed for bankruptcy.

34. Have you ever been sued, either personally or professionally, that is, have you ever been named as defendant or respondent in any court of law? No.
36. Have you ever been investigated by the Department of Social Services? Has your name ever been enrolled on the Central Registry of Child Abuse and Neglect? No.
37. If you are in private practice, are you covered by malpractice insurance and, if so, how long have you carried malpractice insurance? If applicable, have you ever been covered by a tail policy?
I have always been covered by malpractice insurance with all of the attorneys at SC Legal Services.
38. Are you now or have you ever been employed as a "lobbyist," as defined by S.C. Code § 2-17-10(13), or have you acted in the capacity of a "lobbyist's principal," as defined by S.C. Code § 2-17-10(14)? No.
39. Since filing with the Commission your letter of intent to run for judicial office, have you accepted lodging, transportation, entertainment, food, meals, beverages, money, or any other thing of value as defined by S.C. Code § 2-17-10(1) from a lobbyist or lobbyist's principal? No.
40. S.C. Code § 8-13-700 provides, in part, that "[n]o public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated."
I do not have any such knowledge.
41. S.C. Code § 8-13-765 provides, in part, that "[n]o person may use government personnel, equipment, materials, or an office building in an election campaign."
I do not have any such knowledge.
42. Itemize (by amount, type, and date) all expenditures, other than those for travel and room and board, made by you, or on your behalf in furtherance of your candidacy for the position you seek.
I have not made expenditures in furtherance of my candidacy.
43. List the amount and recipient of all contributions made by you or on your behalf to members of the General Assembly since the announcement of your intent to seek election to a judgeship.
I have not made any campaign contributions nor am I aware of any made on my behalf to members of the General Assembly since the announcement of my intent to seek election to a judgeship.
44. Have you directly or indirectly requested the pledge of any member of the General Assembly as to your election for the position for which you are being screened? Have you received the assurance of any public official or public employee that they will seek the pledge of any member of the General Assembly as to your election for the position for which you are being screened? No.

45. Have you requested a friend or colleague to contact members of the General Assembly on your behalf? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf?
No. I am not aware of contacts being made on my behalf.
46. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy?
I have not solicited funds and I am not aware of anyone soliciting them on my behalf.
47. Have you or has anyone acting on your behalf contacted members of the Judicial Merit Selection Commission about your candidacy or intention to become a candidate?
I have not contacted members of the Judicial Selection Commission and I am not aware of anyone contacting members on my behalf.
48. List all bar associations and professional organizations of which you are a member and give the titles and dates of any offices you have held in such groups.
- (a) SC Bar, Young Lawyers Division, Executive Council 2002-2003;
 - (b) SC Bar Children's Law Committee, Education Sub-Committee 2002 to 2011, 2012;
 - (c) SC Supreme Court CLE & Specialization Commissioner, June 2003-July 2009;
 - (d) Education Law Association;
 - (d) Council of Parent Attorneys and Advocates;
 - (e) SC Black Lawyers Association.
49. List all civic, charitable, educational, social, and fraternal organizations of which you are or have been a member during the past five years and include any offices held in such a group, any professional honors, awards, or other forms of recognition received and not listed elsewhere.
- (a) Young Lawyer of the Year Award. SC Bar. 2001-02;
 - (b) Center for Educational Equity, Advisory Board of Directors (2001-present) and Parent Reconnect Program Coordinator (2001-08);
 - (c) Protection and Advocacy for People with Disabilities, Board of Directors, Grievance Committee (first term), Chair of the Personnel Committee (current term);
 - (d) United Way of Greenville County. Graduate Greenville Student Enrichment Committee. (2006-07);
 - (e) Bethlehem Baptist Church. Summer Bible Institute Instructor. June 2011.
50. Provide any other information that may reflect positively or negatively on your candidacy, or which you believe should be disclosed in connection with consideration of you for nomination for the position you seek.
Family and school law have always been natural interests of mine. Family relationships and educational experiences play an important role in everyone's development. My formal education was driven by a curiosity and

desire to learn more about those relationships and to help others with those relationships and experiences. I blindly pursued a legal career to help and to serve the public. This does not mean that I am more susceptible to bribery than others. It is evidence to the contrary. Values like sound character, integrity, honesty, fairness, respect, and a dedication to public service are my family's business and they shaped my life experiences well before I began expressing personal opinions.

As a child, my family attended Nazarene Baptist Church in Mullins, SC and everyone in my family was actively involved in our church. For me a large part of learning to read and reading comprehension was reading aloud in Sunday School and answering questions. It was important to sound the words out correctly and know what you were talking about when you answered questions or your peers might laugh, at your expense. I quickly learned the difference between good and evil and right and wrong. Of course, growing up in a safe rural community with relatively stable families also helped.

Many of my significant cases are confidential and closed matters to protect the identity of minor children but I have also achieved a lot in publicly reported cases. I have also had the privilege of consulting with many legal service attorneys in numerous cases, court appearances, and appellate work.

I believe my personal and professional experiences will continue to serve the public well if I am a successful candidate for Family Court, At Large, Seat 4.

51. References:

- (a) Tiffany Spann-Wilder, Esquire
2131 Dorchester Road
North Charleston, SC 29405
(843) 266-7792
- (b) Andrea Loney, Executive Director
SC Legal Services
2109 Bull Street
Columbia, SC 29201
(803) 744-4179
- (c) Othniel Laffitte, First Citizens Bank
325 W. McBee Avenue
Greenville, SC 29601
(864) 240-2111
- (d) Mr. John Hughes
1608 Old Stage Road
Mullins, SC 29574
(843) 464-8112
- (e) Dr. Phillip M. Baldwin, Pastor
Bethlehem Baptist Church
4 Harrison Bridge Road
Simpsonville, SC

(864) 963-3527

YOUR SIGNATURE WILL BE HELD TO CONSTITUTE A WAIVER OF THE CONFIDENTIALITY OF ANY PROCEEDING BEFORE A GRIEVANCE COMMITTEE OR ANY INFORMATION CONCERNING YOUR CREDIT.

I HEREBY CERTIFY THAT MY ANSWERS ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

Signature: Kamika Nichols-Graham

Date: August 8, 2012

KIMAKA NICHOLS-GRAHAM
500 Log Shoals Road
Greenville, South Carolina 29607

November 13, 2012

Jane O. Shuler
Chief Counsel
Judicial Merit Selection Commission
Post Office Box 142
Columbia, South Carolina 29202

Re: Updated Information

Dear Mrs. Shuler:

At this point I have spent \$90.91 on my campaign for Family Court, at Large, Seat 4. I would like to amend my responses to question twenty-eight (28) on the Sworn Statement and to question forty-two (42) on the Personal Data Questionnaire to report this information.

\$74.19	Photograph
\$1.35	Postage
<u>\$15.37</u>	Copies
\$90.91	Total

With kind regards,



Kimaka Nichols-Graham

cc: Bonnie Anzelmo, Esquire